# CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force	<u> </u>	Discourt.		U.S.
Candace Taylor		Squad #6	201409946	☑	Abuse		O.L.		Injury
Incident Date(s)		Location of Incident:		F	Precinct:	18	Mo. SOL	Е	O SOL
Friday, 09/19/2014 9:10 PM		2073 2nd Avenue			23		/19/2016		19/2016
Date/Time CV Reported		CV Reported At:	How CV Reported:				eived at CCl		
Sat, 09/27/2014 11:46 AM		CCRB	Call Processing System				11:46 AM		
Complainant/Victim	Туре	Home Addre	ess						
Subject Officer(s)	Shield	TaxID	Command						
1. DT3 Erin Barnes	03059	920008	GANG M						
2. POM Liam Ohara	20203	946632	GANG M						
Witness Officer(s)	Shield N	Tax No	Cmd Name						
1. POM Victor Charles	06096	941538	023 PCT						
2. POM Thomas Cozart	28181	938283	PBMN SU						
3. DT3 Jamal Hairston	00203	941875	NARCBMN						
Officer(s)	Allegatio	on			Inve	stiga	ator Recor	nmen	dation
A.DT3 Erin Barnes	Abuse: D	Det. Erin Barnes stopped	§ 87(2)(b)						
B.DT3 Erin Barnes	Abuse: D	Abuse: Det. Erin Barnes frisked § 87(2)(b)							
C.DT3 Erin Barnes	Discourte § 87(2)(b)	Discourtesy: Det. Erin Barnes spoke discourteously to \$87(2)(b)							
D.DT3 Erin Barnes	Abuse: D	Det. Erin Barnes refused	to provide his shield	1					
§ 87(2)(g), § 87(4-b)									



On September 27, 2014, \$87(2)(b) filed this complaint via the Call Processing System with the CCRB.

On September 19, 2014, at approximately 9:10 p.m., \$\frac{887(2)(6)}{2073}\$ was stopped by Det. Erin Barnes of Manhattan Gang Squad as he left a liquor store, House of J and H liquor, located at 2073 Second Avenue in Manhattan (**Allegation A**). Det. Barnes grabbed \$\frac{87(2)(6)}{2072}\$ s wrist and told \$\frac{87(2)(6)}{2072}\$ to place his hands above his head and to lock his fingers together. Det. Barnes proceeded to frisk the outer layer of \$\frac{87(2)(6)}{2072}\$ s clothing, under his unzipped jacket, and his waistband and pockets (**Allegation B**). Det. Barnes told \$\frac{87(2)(6)}{2072}\$ asked Det. Barnes for his shield number but Det. Barnes did not respond and turned away from \$\frac{87(2)(6)}{2072}\$ did not receive any summonses and was not arrested for this incident (encl. D 1-5). \$\frac{87(2)(9)}{2072}\$ \$\frac{87(2)(9)}{2072

This case was initially assigned to Investigator Nicholas Carayannis on October 27, 2014, and was reassigned to Investigator Candace Taylor on April 20, 2015.

#### Mediation, Civil and Criminal Histories

Both mediation and investigation were offered to \$87(2)(0) on October 2, 2014, but he was unsure if he wanted to move forward with the complaint. However, on October 6, 2014, \$37(2)(0) stated that he wanted to move forward with investigation (encl. L 2). As of January 22, 2015, \$37(2)(0) has not filed a Notice of Claim with the City of New York regarding this incident and has no criminal case for this complaint (encl. L 6). \$37(2)(0) \$37(2)(0) \$37(2)(0)\$

## Civilian and Officer CCRB Histories

- This is the second CCRB complaint filed by \$87(2)(6) (encl. B 6).
- Det. Barnes has been a member of the NYPD for 17 years and has had 2 previous CCRB allegations which were substantiated (encl. B 1-3).

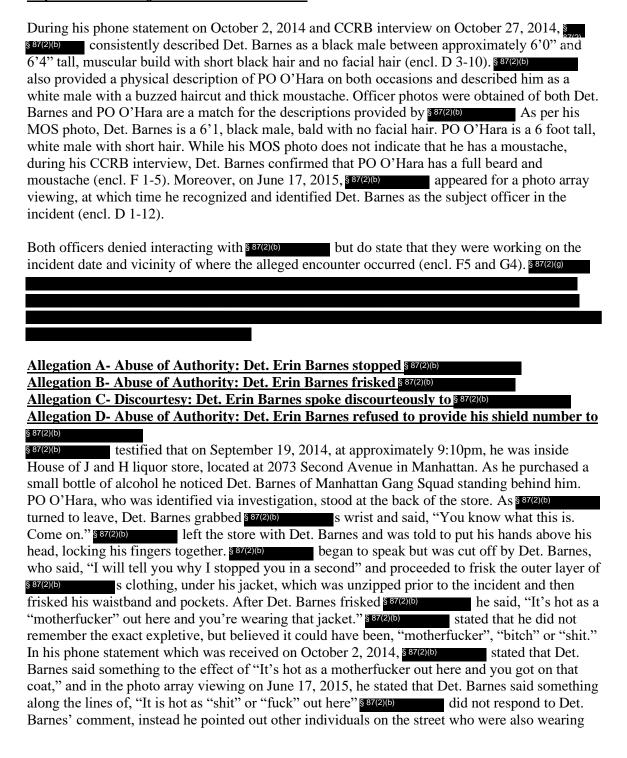
In CCRB case 200306205, allegations of a search and detainment were substantiated. The board recommended charges for both allegations and the NYPD penalty were instructions.

- PO O'Hara has been a member of the NYPD for 6 years and has had 2 previous allegations in which substantiated allegations were recommended (encl. B 4-5).
  - In CCRB case number 201210366, an allegation of stop was substantiated and the Board recommended Command Discipline. The NYPD decided do DUP the case and no penalty was received.
  - In CCRB case number 201306106 an allegation of retaliatory summons was substantiated and the board recommended instructions. The NYPD concurred with the Board's recommendation.

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## **Findings and Recommendations**

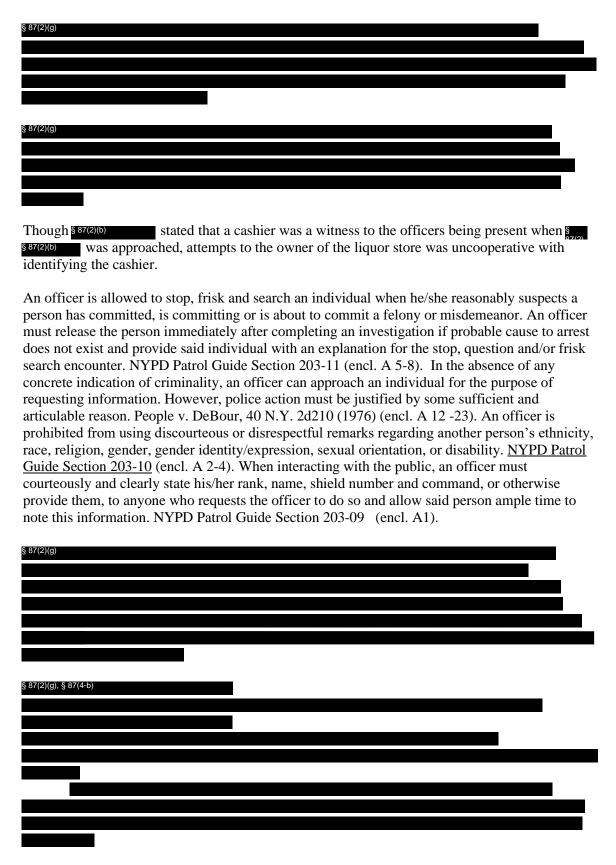
#### **Explanation of Subject Officer Identification**



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jackets. § 87(2)(b) then asked Det. Barnes for his name or shield number but he did not respond. He was released without a summons or arrest. In his CCRB statement on May 5, 2015, Det. Barnes stated that he did not have an independent recollection of the incident but acknowledged that he was assigned to the precinct of occurrence on the day of the incident. Det. Barnes' memo book confirmed that he participated in an arrest in the neighboring precinct at approximately 10:15 p.m., at least an hour after the incident alleged During his tour, both he and PO O'Hara carried out gang enforcement duties that entailed driving around to observe criminal activity and conducting investigations of perceived crime. Det. Barnes confirmed that he and PO O'Hara left their unmarked vehicle several times throughout their tour and did not separate at any time. Det. Barnes stated that he would have been around bodegas in the assigned precincts. He also stated that he would have passed the incident location when they patrolled the 23rd Precinct, which is the precinct of occurrence, but did not recall being there on the incident date. Det. Barnes did not recall interacting with §87(2)(b) or being in House of J and H liquor store at 2073 Second Avenue on the incident date but acknowledged that he was familiar with the area and recognized the incident location when presented with a photograph taken by the CCRB. Det. Barnes denied stopping and frisking \$87(2)(b) and when Det. Barnes was presented with a photograph of § 37(2)(b) Det. Barnes did not recognize him. Det. Barnes did not recall having any conversation with \$87(2)(b) and did not say, "It's hot as a motherfucker out here and you're wearing that jacket." Det. Barnes did not recall refusing to provide his shield number after \$87(2)(6) requested that information (encl. F 1-5). During his CCRB statement on May 27, 2015, PO O'Hara corroborated Det. Barnes' statement that both officers were assigned to the precinct of occurrence and left their vehicle multiple times throughout their tour but did not separate at any time. PO O'Hara did not recall seeing Det. Barnes grab and escort \$87(2)(b) out of the store at 2073 Second Avenue and he did not see PO O'Hara did not recall hearing any conversation between Det. Barnes frisk § 87(2)(b) and Det. Barnes in which the detective told \$87(2)(b) to put his hands above his head. PO O'Hara did not recall hearing Det. Barnes tell \$87(2)(b) "It's hot as a motherfucker out here and you're wearing that jacket," and did not recall hearing \$87(2)(b) ask Det. Barnes for his shield number (G 1-4). PO O'Hara also corroborated that he and Det. Barnes carried out an arrest around 10 p.m. in the 25th Precinct, which was reflected in his memo book. However, PO O'Hara stated that he did not have any recollection of interacting with §87(2)(b) or being present for this incident. When presented with a photograph of \$87(2)(b) PO O'Hara did not recognize him. PO O'Hara did not recall seeing Det. Barnes engaged in any conversation with \$87(2)(b) PO O'Hara did not recall if he passed the incident location while he was on patrol and stated that he was not familiar with any particular bodegas or liquor stores in the vicinity of the incident location.

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§ 87(2)(g), § 87(4-b)			
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Team:			
Investigator:			_
Signature	Print	Date	
Supervisor:			
Title/Signature	Print	Date	
Reviewer:			_
Title/Signature	Print	Date	
Reviewer:			_
Title/Signature	Print	Date	